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and NEC TOKIN America, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST LITIGATION

Master File No.: 3:14-cv-03264-JD

**THIS DOCUMENT RELATES TO: ALL
DIRECT PURCHASER ACTIONS**

ANSWER AND AFFIRMATIVE DEFENSES OF NEC TOKIN CORPORATION TO SECOND AMENDED CONSOLIDATED COMPLAINT

1 Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, NEC TOKIN Corporation
2 (“NEC TOKIN”) respectfully submits this Answer and Affirmative Defenses to the Direct Purchaser
3 Plaintiffs’ (“Plaintiffs”) Second Amended Consolidated Class Action Complaint (“the Complaint”).
4 Although Flextronics International USA, Inc. (“Flextronics”) has filed a joint Complaint with the
5 Direct Purchaser Plaintiffs, Flextronics has not named NEC TOKIN as a defendant, and therefore
6 NEC TOKIN is under no obligation to respond to Flextronics’ allegations. To the extent that a
7 response is necessary, NEC TOKIN denies each allegation of and/or related to Flextronics. NEC
8 TOKIN also reserves all rights against Flextronics in the event that Flextronics attempts to name
9 NEC TOKIN as a defendant in this or any other action, including but not limited to its right to
10 compel arbitration.

11 With respect to Plaintiffs’ allegations stated in the numbered paragraphs of the Complaint,
12 NEC TOKIN states as follows:

13 **I. NATURE OF THE ACTION**

14 1. NEC TOKIN admits that Plaintiffs purport to bring this civil action asserting antitrust
15 claims on behalf of certain entities. NEC TOKIN further admits that it has manufactured and sold
16 certain capacitors. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
18 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
19 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
20 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
21 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
22 paragraph of the Complaint.

23 2. NEC TOKIN admits that electrical current flowing through a circuit, including a PCB,
24 allows electrical devices to perform their functions and that some electrical devices use capacitors,
25 but otherwise denies the allegations in this paragraph of the Complaint.

26 3. NEC TOKIN admits the allegations in Paragraph 3 of the Complaint provide a general
27 description of electrical circuits and the use of capacitors, but otherwise denies the allegations in this
28 paragraph of the Complaint.

1 4. NEC TOKIN admits that demand for some electrical components has increased as
2 demand for consumer electronics technology has increased. NEC TOKIN lacks knowledge or
3 information sufficient to form a belief about the truth of the remaining allegations in this paragraph of
4 the Complaint and on that basis denies them.

5 5. NEC TOKIN admits that many capacitors are relatively inexpensive on a per-unit
6 basis, but otherwise denies the allegations in this paragraph of the Complaint.

7 6. NEC TOKIN admits that many capacitors are relatively inexpensive on a per-unit
8 basis, but otherwise denies the allegations in this paragraph of the Complaint.

9 7. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
11 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
12 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
13 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
14 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
15 paragraph of the Complaint.

16 8. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
18 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
19 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
20 TOKIN denies them.

21 9. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
23 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
24 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
25 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
26 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
27 paragraph of the Complaint.

1 10. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
3 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
4 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
5 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
6 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
7 paragraph of the Complaint.

8 11. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
9 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
10 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
11 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
12 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
13 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
14 paragraph of the Complaint.

15 12. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
17 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
18 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
19 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
20 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
21 paragraph of the Complaint.

22 13. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
24 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
25 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
26 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
27 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
28 paragraph of the Complaint.

1 14. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
3 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
4 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
5 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
6 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
7 paragraph of the Complaint.

8 15. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
9 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
10 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
11 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
12 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
13 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
14 paragraph of the Complaint.

15 16. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
17 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
18 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
19 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
20 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
21 paragraph of the Complaint.

22 17. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
24 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
25 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
26 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
27 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
28 paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations by

1 Flextronics, NEC TOKIN states that Flextronics has not brought a claim against NEC TOKIN, and
2 therefore no response is necessary.

3 18. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
5 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
6 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
7 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
8 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
9 paragraph of the Complaint.

10 19. This paragraph of the Complaint sets forth legal conclusions to which no response is
11 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
12 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
13 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
14 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
15 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
16 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
17 remaining allegations in this paragraph of the Complaint.

18 20. This paragraph of the Complaint sets forth legal conclusions to which no response is
19 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
20 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
21 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
22 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
23 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
24 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
25 remaining allegations in this paragraph of the Complaint.

26 21. This paragraph of the Complaint sets forth legal conclusions to which no response is
27 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
28 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating

1 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
2 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
3 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
4 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
5 remaining allegations in this paragraph of the Complaint.

6 22. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN states
7 that Flextronics has not brought a claim against NEC TOKIN, and therefore no response is necessary.

8 23. This paragraph of the Complaint sets forth legal conclusions to which no response is
9 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
10 sufficient to form a belief about the truth of the allegations and on that basis denies them.

11 24. This paragraph of the Complaint sets forth legal conclusions to which no response is
12 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
13 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
14 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
15 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
16 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
17 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
18 remaining allegations in this paragraph of the Complaint.

19 25. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN admits that the United States
21 Department of Justice has instituted an investigation regarding certain capacitors. NEC TOKIN lacks
22 knowledge or information sufficient to form a belief about the truth of the allegations in this
23 paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
24 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
25 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
26 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
27 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

1 26. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
3 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
4 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
5 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
6 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
7 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
8 remaining allegations in this paragraph of the Complaint.

9 27. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 28. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 29. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 30. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 31. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN states
18 that Flextronics has not brought a claim against NEC TOKIN, and therefore no response is necessary.

19 32. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 33. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 34. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 35. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 36. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 37. NEC TOKIN admits that it is a corporation organized under the laws of Japan, that
2 KEMET Electronics Corporation and NEC Corporation or its affiliates are its shareholders, and that
3 its principal place of business 7-1, Kohriyama 6-chome, Taihaku-ku, Sendaishi Miyagi 982-8510,
4 Japan. NEC TOKIN further admits that it manufactured, sold, and distributed certain tantalum
5 capacitors, some of which entered the United States, but otherwise denies the allegations in this
6 paragraph of the Complaint.

7 38. NEC TOKIN admits that NEC TOKIN America, Inc. is a California corporation, is a
8 wholly owned subsidiary of NEC TOKIN Corporation, and currently has its principal place of
9 business at 2460 North First Street, Suite 220, San Jose, California 95131. NEC TOKIN further
10 admits that NEC TOKIN America, Inc. sold or delivered to purchasers in the United States certain
11 tantalum capacitors manufactured by NEC TOKIN, but otherwise denies the allegations in this
12 paragraph of the Complaint.

13 39. NEC TOKIN admits that the Complaint purports to set forth a definition of “NEC
14 TOKIN,” but otherwise denies the allegations in this paragraph of the Complaint, and further notes
15 that “NEC TOKIN” as used in this Answer and Affirmative Defenses does not match plaintiffs’
16 definition of “NEC TOKIN.”

17 40. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 41. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 42. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 43. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 44. NEC TOKIN admits that the Complaint purports to set forth a definition of
26 “KEMET,” but otherwise denies the allegations in this paragraph of the Complaint.

27 45. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 46. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 47. NEC TOKIN admits that the Complaint purports to set forth a definition of “Nippon
4 Chemi-Con,” but otherwise denies the allegations in this paragraph of the Complaint.

5 48. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 49. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 50. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 51. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 52. NEC TOKIN admits that the Complaint purports to set forth a definition of “Hitachi,”
14 but otherwise denies the allegations in this paragraph of the Complaint.

15 53. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 54. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 55. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 56. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 57. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 58. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 59. NEC TOKIN admits that the Complaint purports to set forth a definition of
28 “Nichicon,” but otherwise denies the allegations in this paragraph of the Complaint.

1 60. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 61. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 62. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 63. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 64. NEC TOKIN admits that the Complaint purports to set forth a definition of
10 “Rubycon,” but otherwise denies the allegations in this paragraph of the Complaint.

11 65. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 66. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 67. NEC TOKIN admits that the Complaint purports to set forth a definition of “ELNA,”
16 but otherwise denies the allegations in this paragraph of the Complaint.

17 68. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 69. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 70. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 71. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 72. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 73. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 74. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 75. NEC TOKIN admits that the Complaint purports to set forth a definition of “Holy
4 Stone,” but otherwise denies the allegations in this paragraph of the Complaint.

5 76. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 77. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 78. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 79. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 80. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 81. NEC TOKIN admits that the Complaint purports to set forth a definition of “ROHM,”
16 but otherwise denies the allegations in this paragraph of the Complaint.

17 82. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 83. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 84. NEC TOKIN admits that the Complaint purports to set forth a definition of “Okay,”
22 but otherwise denies the allegations in this paragraph of the Complaint.

23 85. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 86. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 87. NEC TOKIN admits that the Complaint purports to set forth a definition of “Taitsu,”
28 but otherwise denies the allegations in this paragraph of the Complaint.

1 88. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 89. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 90. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 91. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 92. NEC TOKIN admits that the Complaint purports to set forth a definition of “Shinyei,”
10 but otherwise denies the allegations in this paragraph of the Complaint.

11 93. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 94. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 95. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 96. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 97. NEC TOKIN admits that the Complaint purports to set forth a definition of “Soshin,”
20 but otherwise denies the allegations in this paragraph of the Complaint.

21 98. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 99. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 100. NEC TOKIN admits that the Complaint purports to set forth a definition of “Shizuki,”
26 but otherwise denies the allegations in this paragraph of the Complaint.

27 101. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN states
28 that Flextronics has not brought a claim against NEC TOKIN, and therefore no response is necessary.

1 102. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
3 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
4 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
5 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
6 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
7 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
8 remaining allegations in this paragraph of the Complaint.

9 103. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
11 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
12 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
14 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
15 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
16 remaining allegations in this paragraph of the Complaint.

17 104. This paragraph of the Complaint sets forth legal conclusions to which no response is
18 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
19 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
20 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
21 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
22 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
23 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
24 remaining allegations in this paragraph of the Complaint.

25 105. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
27 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
28 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
2 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
3 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
4 remaining allegations in this paragraph of the Complaint.

5 106. This paragraph of the Complaint sets forth legal conclusions to which no response is
6 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
7 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
8 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.

9 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
10 TOKIN America, Inc., NEC TOKIN denies them.

11 107. This paragraph of the Complaint sets forth legal conclusions to which no response is
12 required. To the extent that a response is required, NEC TOKIN denies that a class action is
13 appropriate and denies any allegations in this paragraph of the Complaint.

14 108. This paragraph of the Complaint sets forth legal conclusions to which no response is
15 required. To the extent that a response is required, NEC TOKIN denies that a class action is
16 appropriate and denies any allegations in this paragraph of the Complaint.

17 109. This paragraph of the Complaint sets forth legal conclusions to which no response is
18 required. To the extent that a response is required, NEC TOKIN denies that a class action is
19 appropriate and denies any allegations in this paragraph of the Complaint.

20 110. This paragraph of the Complaint sets forth legal conclusions to which no response is
21 required. To the extent that a response is required, NEC TOKIN denies that a class action is
22 appropriate and denies any allegations in this paragraph of the Complaint.

23 111. This paragraph of the Complaint sets forth legal conclusions to which no response is
24 required. To the extent that a response is required, NEC TOKIN denies that a class action is
25 appropriate and denies any allegations in this paragraph of the Complaint.

26 112. This paragraph of the Complaint sets forth legal conclusions to which no response is
27 required. To the extent that a response is required, NEC TOKIN denies that a class action is
28 appropriate and denies any allegations in this paragraph of the Complaint.

1 113. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN denies that a class action is
3 appropriate and denies any allegations in this paragraph of the Complaint.

4 114. This paragraph of the Complaint sets forth legal conclusions to which no response is
5 required. To the extent that a response is required, NEC TOKIN denies that a class action is
6 appropriate and denies any allegations in this paragraph of the Complaint.

7 115. This paragraph of the Complaint sets forth legal conclusions to which no response is
8 required. To the extent that a response is required, NEC TOKIN denies that a class action is
9 appropriate and denies any allegations in this paragraph of the Complaint.

10 116. This paragraph of the Complaint sets forth legal conclusions to which no response is
11 required. To the extent that a response is required, NEC TOKIN denies that a class action is
12 appropriate and denies any allegations in this paragraph of the Complaint.

13 117. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN denies that a class action is
15 appropriate and denies any allegations in this paragraph of the Complaint.

16 118. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
18 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
19 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
20 TOKIN admits that it and its subsidiary NEC TOKIN America, Inc. sold or delivered certain
21 tantalum capacitors to purchasers in the United States, but otherwise denies the allegations in this
22 paragraph of the Complaint.

23 119. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
25 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
26 in this paragraph of the Complaint relate to NEC TOKIN America, Inc., NEC TOKIN admits that
27 NEC TOKIN America, Inc. sold or delivered certain tantalum capacitors to purchasers in the United
28 States, but otherwise denies the allegations in this paragraph of the Complaint.

1 120. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
3 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
4 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
5 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
6 TOKIN America, Inc., NEC TOKIN denies them.

7 121. This paragraph of the Complaint sets forth legal conclusions to which no response is
8 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
9 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
10 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
11 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
12 TOKIN America, Inc., NEC TOKIN denies them.

13 122. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
15 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
16 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
17 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
18 TOKIN America, Inc., NEC TOKIN denies them.

19 123. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
21 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
22 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
23 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
24 TOKIN America, Inc., NEC TOKIN denies them.

25 124. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
27 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
28 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
2 TOKIN America, Inc., NEC TOKIN denies them.

3 125. This paragraph of the Complaint sets forth legal conclusions to which no response is
4 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
5 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
6 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.

7 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
8 TOKIN America, Inc., NEC TOKIN denies them.

9 126. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
11 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
12 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
14 TOKIN America, Inc., NEC TOKIN denies them.

15 127. This paragraph of the Complaint sets forth legal conclusions to which no response is
16 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
17 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
18 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
19 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
20 TOKIN America, Inc., NEC TOKIN denies them. To the extent this paragraph of the Complaint
21 states allegations by Flextronics, NEC TOKIN states that Flextronics has not brought a claim against
22 NEC TOKIN, and therefore no response is necessary.

23 128. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
24 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
25 Complaint.

26 129. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
27 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
28 Complaint.

1 130. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
2 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
3 Complaint.

4 131. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

6 132. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
7 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
8 Complaint.

9 133. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
10 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
11 Complaint.

12 134. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
13 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
14 Complaint.

15 135. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
16 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
17 Complaint.

18 136. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
19 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
20 Complaint.

21 137. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
22 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
23 Complaint.

24 138. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
25 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
26 Complaint.

1 139. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
2 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
3 Complaint.

4 140. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
5 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
6 Complaint.

7 141. NEC TOKIN admits that this paragraph of the Complaint states how Plaintiffs use the
8 phrase “aluminum capacitors” in the Complaint, but otherwise denies the allegations in this
9 paragraph of the Complaint.

10 142. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
11 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
12 Complaint.

13 143. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
14 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
15 Complaint.

16 144. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
17 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
18 Complaint.

19 145. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
20 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
21 Complaint.

22 146. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
23 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
24 Complaint.

25 147. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
26 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
27 Complaint.

1 148. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
2 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
3 Complaint.

4 149. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
5 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
6 Complaint.

7 150. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
8 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
9 Complaint.

10 151. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
11 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
12 Complaint.

13 152. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
14 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
15 Complaint.

16 153. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
17 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
18 Complaint.

19 154. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
20 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
21 Complaint.

22 155. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 156. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
25 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
26 Complaint.

27 157. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 158. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
2 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
3 Complaint.

4 159. NEC TOKIN admits that this paragraph provides an overly simplistic, over-
5 generalized description of capacitors, but otherwise denies the allegations in this paragraph of the
6 Complaint.

7 160. NEC TOKIN admits that there are various types of direct purchasers of capacitors,
8 including those described in this paragraph of the Complaint. NEC TOKIN lacks knowledge or
9 information sufficient to form a belief about the truth of the remaining allegations in this paragraph of
10 the Complaint and on that basis denies them.

11 161. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 162. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 163. NEC TOKIN admits that capacitors are used in many types of electronic circuits and
16 that demand for consumer electronics indirectly accounts for a substantial portion of the global
17 demand for capacitors. NEC TOKIN lacks knowledge or information sufficient to form a belief
18 about the truth of the remaining allegations in this paragraph of the Complaint and on that basis
19 denies them.

20 164. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
21 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 165. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 166. NEC TOKIN admits that some electrical circuits have been designed to incorporate
25 ceramic capacitors. NEC TOKIN lacks knowledge or information sufficient to form a belief about
26 the truth of the remaining allegations in this paragraph of the Complaint and on that basis denies
27 them.

1 167. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 168. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 169. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
7 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
8 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
9 TOKIN denies them.

10 170. NEC TOKIN admits it sold tantalum capacitors during the alleged Class Period. NEC
11 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
12 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
13 America, Inc. and on that basis denies them. NEC TOKIN otherwise denies the allegations in this
14 paragraph of the Complaint.

15 171. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 172. NEC TOKIN admits that some capacitors are, in some circumstances, interchangeable
18 with some other capacitors. NEC TOKIN lacks knowledge or information sufficient to form a belief
19 about the truth of the remaining allegations in this paragraph of the Complaint and on that basis
20 denies them.

21 173. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
23 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
24 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
25 TOKIN admits that some capacitors are sometimes interchangeable with some other capacitors, but
26 otherwise denies the allegations in this paragraph of the Complaint.

1 174. NEC TOKIN admits that capacitors are necessary for the function of some electric
2 circuits. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of
3 the remaining allegations in this paragraph of the Complaint and on that basis denies them.

4 175. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies them.

9 176. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 177. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies them.

16 178. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
18 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
19 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
20 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
21 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
22 paragraph of the Complaint.

23 179. The allegations of this paragraph of the Complaint set forth legal conclusions, to
24 which no response is required. To the extent that a response is required, NEC TOKIN admits that
25 discovery is underway in this case. NEC TOKIN lacks knowledge or information sufficient to form a
26 belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other
27 than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the
28 allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc.,

1 NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 180. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
9 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
10 paragraph of the Complaint.

11 181. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
16 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
17 paragraph of the Complaint.

18 182. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 183. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
27 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
28 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC

1 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 184. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
9 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
10 paragraph of the Complaint.

11 185. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
16 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
17 paragraph of the Complaint.

18 186. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 187. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
27 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
28 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC

1 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 188. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
9 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
10 paragraph of the Complaint.

11 189. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
16 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
17 paragraph of the Complaint.

18 190. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 191. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
27 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
28 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC

1 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 192. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
9 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
10 paragraph of the Complaint.

11 193. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
16 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
17 paragraph of the Complaint.

18 194. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 195. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent a response is required, NEC TOKIN lacks knowledge or information
27 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
28 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.

To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies them.

196. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

197. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

198. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies them.

199. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies them.

1 200. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
3 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
4 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
5 TOKIN denies them.

6 201. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
7 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
8 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
9 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
10 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
11 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
12 paragraph of the Complaint.

13 202. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
15 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
16 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
17 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
18 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
19 paragraph of the Complaint.

20 203. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
21 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
22 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
23 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
24 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
25 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
26 paragraph of the Complaint.

27 204. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC

1 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
2 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
3 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
4 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
5 paragraph of the Complaint.

6 205. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
7 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
8 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
9 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
10 TOKIN denies them.

11 206. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
13 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
14 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
15 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
16 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
17 paragraph of the Complaint.

18 207. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 208. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
27 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
28 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC

1 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 209. To the extent that this paragraph of the Complaint is referencing documents, those
5 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
6 a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants
7 other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent
8 the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America,
9 Inc., NEC TOKIN denies them.

10 210. To the extent that this paragraph of the Complaint is referencing documents, those
11 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
12 a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants
13 other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent
14 the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America,
15 Inc., NEC TOKIN denies them.

16 211. This paragraph of the Complaint sets forth legal conclusions to which no response is
17 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
18 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
19 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
20 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
21 TOKIN America, Inc., NEC TOKIN denies them.

22 212. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
24 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
25 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
26 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
27 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
28 paragraph of the Complaint. To the extent this paragraph of the Complaint states allegations by

1 Flextronics; NEC TOKIN states that Flextronics has not brought a claim against NEC TOKIN, and
2 therefore no response is necessary.

3 213. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
5 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
6 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
7 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
8 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
9 paragraph of the Complaint.

10 214. This paragraph of the Complaint sets forth legal conclusions to which no response is
11 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
12 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
13 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
14 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
15 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
16 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
17 remaining allegations in this paragraph of the Complaint.

18 215. This paragraph of the Complaint sets forth legal conclusions to which no response is
19 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
20 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
21 to defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them.
22 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC
23 TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc.
24 participated in a conspiracy as defined and described in the Complaint. NEC TOKIN denies the
25 remaining allegations in this paragraph of the Complaint.

26 216. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
27 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
28 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations

1 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
2 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
3 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
4 paragraph of the Complaint.

5 217. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
7 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
8 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
9 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
10 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
11 paragraph of the Complaint.

12 218. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
13 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
14 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
15 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
16 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
17 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
18 paragraph of the Complaint.

19 219. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
21 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
22 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
23 TOKIN denies them.

24 220. To the extent that this paragraph of the Complaint is referencing documents, those
25 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
26 a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants
27 other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent
28 the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America,

1 Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a
2 conspiracy as defined and described in the Complaint. NEC TOKIN denies the remaining allegations
3 in this paragraph of the Complaint.

4 221. To the extent that this paragraph of the Complaint is referencing documents, those
5 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
6 a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants
7 other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent
8 the allegations in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America,
9 Inc., NEC TOKIN denies them.

10 222. To the extent that this paragraph of the Complaint is referencing documents, those
11 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
12 a belief about the truth of the allegations in this paragraph of the Complaint relating to companies not
13 named as defendants and defendants other than NEC TOKIN and NEC TOKIN America, Inc. and on
14 that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC
15 TOKIN and NEC TOKIN America, Inc., NEC TOKIN admits that NEC TOKIN has had commercial
16 dealings, including a Technical License Agreement, with KEMET Electronics Corporation, but
17 otherwise denies the allegations in this paragraph of the Complaint.

18 223. NEC TOKIN admits that KEMET Electronics Corporation owns shares of NEC
19 TOKIN, but otherwise denies the allegations in this paragraph of the Complaint.

20 224. To the extent that this paragraph of the Complaint is referencing documents, those
21 documents state whatever they state. NEC TOKIN admits that KEMET Electronics Corporation
22 owns shares of NEC TOKIN and has approximately a 34% economic interest and a 51% voting
23 interest in NEC TOKIN, with the remaining voting and economic interests being held by NEC
24 Corporation or affiliates of NEC Corporation, but otherwise denies the allegations in this paragraph
25 of the Complaint.

26 225. To the extent that this paragraph of the Complaint is referencing documents, those
27 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
28

1 a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies
2 them.

3 226. To the extent that this paragraph of the Complaint is referencing documents, those
4 documents state whatever they state. NEC TOKIN admits that the European Commission was
5 notified of KEMET Electronic Corporation's purchase of NEC TOKIN stock, but lacks knowledge or
6 information sufficient to form a belief about the truth of the allegations as to how the European
7 Commission referred to NEC TOKIN, and on that basis denies them, and otherwise denies the
8 allegations in this paragraph of the Complaint.

9 227. NEC TOKIN admits that it entered into a Development and Cross-Licensing
10 Agreement and an Amended and Restated Private Label Agreement, the terms of which say what
11 they say, but otherwise denies the allegations in this paragraph of the Complaint.

12 228. NEC TOKIN admits that it has a supply relationship with KEMET Electronics
13 Corporation, including capacitors. To the extent that this paragraph is purporting to quote from a
14 document, that document says what it says. NEC TOKIN otherwise denies the allegations in this
15 paragraph of the Complaint.

16 229. NEC TOKIN admits that it purchased some capacitors from KEMET Electronics
17 Corporation in early 2012, mainly for customers in Asia, but otherwise denies the allegations in this
18 paragraph of the Complaint.

19 230. NEC TOKIN admits that it has purchased some tantalum from KEMET Electronics
20 Corporation and admits that NEC TOKIN and KEMET Electronics Corporation supply some
21 products to one another, but otherwise denies the allegations in this paragraph of the Complaint.

22 231. NEC TOKIN denies the allegations in this paragraph of the Complaint.

23 232. NEC TOKIN admits that KEMET Electronics Corporation has an approximately 51%
24 voting interest of NEC TOKIN's stock, and admits that NEC Corporation previously held a majority
25 voting interest of NEC TOKIN's stock, but otherwise denies the allegations in this paragraph of the
26 Complaint.

27 233. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC

1 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
2 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
3 TOKIN denies them.

4 234. This paragraph of the Complaint sets forth legal conclusions to which no response is
5 required. To the extent that a response is required, NEC TOKIN denies the allegations of this
6 paragraph of the Complaint.

7 235. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 236. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
11 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
12 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
13 TOKIN denies them.

14 237. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
15 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
16 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
17 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
18 TOKIN admits that it sold certain tantalum capacitors in various countries around the world,
19 including the United States, and admits that NEC TOKIN America, Inc. sold certain tantalum
20 capacitors in the United States, but otherwise denies the allegations in this paragraph of the
21 Complaint.

22 238. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
24 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
25 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
26 TOKIN denies them.

27 239. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC

1 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
2 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
3 TOKIN admits that it had the ability to control the price of tantalum capacitors sold by NEC TOKIN
4 America, Inc., but otherwise denies the allegations in this paragraph of the Complaint.

5 240. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
7 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
8 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
9 TOKIN admits that it had the ability to control the price of tantalum capacitors sold by NEC TOKIN
10 America, Inc., but otherwise denies the allegations in this paragraph of the Complaint.

11 241. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 242. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 243. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 244. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 245. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 246. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 247. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 248. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 249. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 250. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 251. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 252. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 253. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 254. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 255. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 256. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 257. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 258. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 259. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 260. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 261. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 262. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 263. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 264. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 265. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 266. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 267. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 268. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 269. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 270. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 271. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 272. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 273. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 274. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 275. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 276. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 277. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 278. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 279. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 280. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 281. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 282. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 283. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 284. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 285. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 286. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 287. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 288. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 289. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 290. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 291. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 292. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 293. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 294. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 295. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 296. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 297. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 298. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 299. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 300. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 301. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 302. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 303. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 304. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 305. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 306. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 307. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 308. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 309. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 310. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 311. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 312. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 313. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
17 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
18 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
19 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
20 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
21 paragraph of the Complaint.

22 314. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 315. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
25 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

26 316. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
27 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 317. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
3 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
4 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
5 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
6 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
7 paragraph of the Complaint.

8 318. This paragraph of the Complaint sets forth legal conclusions to which no response is
9 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
10 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
11 that basis denies them.

12 319. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
13 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 320. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
15 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 321. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
18 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
19 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
20 TOKIN denies them.

21 322. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
23 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
24 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
25 TOKIN denies them.

26 323. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
27 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
28 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations

1 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
2 TOKIN denies them.

3 324. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
5 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
6 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
7 TOKIN denies them.

8 325. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
9 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

10 326. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
11 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
12 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
13 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
14 TOKIN denies them.

15 327. This paragraph of the Complaint contains characterizations, legal argument, and
16 conclusions to which no response is necessary. To the extent a response is required, NEC TOKIN
17 lacks knowledge or information sufficient to form a belief about the truth of the allegations in this
18 paragraph of the Complaint and on that basis denies them.

19 328. This paragraph of the Complaint contains characterizations, legal argument, and
20 conclusions to which no response is necessary. To the extent that a response is required, NEC
21 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
22 in this paragraph of the Complaint and on that basis denies them.

23 329. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
24 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
25 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
26 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
27 TOKIN admits that it has significant experience manufacturing and selling tantalum capacitors, but
28 otherwise denies the allegations in this paragraph of the Complaint.

1 330. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 331. NEC TOKIN admits that some raw materials necessary to manufacture certain types
4 of capacitors are available only from limited suppliers, but otherwise denies the allegations in this
5 paragraph of the Complaint.

6 332. NEC TOKIN admits that tantalum is used to produce tantalum capacitors, but
7 otherwise denies the allegations in this paragraph of the Complaint.

8 333. NEC TOKIN admits that tantalum has been designated a “conflict mineral” subject to
9 certain reporting requirements, but otherwise denies the allegations in this paragraph of the
10 Complaint.

11 334. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 335. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 336. This paragraph of the Complaint contains characterizations, legal argument, and
16 conclusions to which no response is necessary. To the extent that a response is required, NEC
17 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
18 in this paragraph of the Complaint and on that basis denies them.

19 337. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
20 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 338. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
23 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
24 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
25 TOKIN admits that KEMET Electronics Corporation sells certain capacitors manufactured by NEC
26 TOKIN, but otherwise denies the allegations in this paragraph of the Complaint.

27 339. NEC TOKIN admits that in some circumstances certain capacitors manufactured by
28 some capacitor manufacturers may be substituted for certain capacitors manufactured by a different

1 manufacturer, but otherwise lacks knowledge or information sufficient to form a belief about the truth
2 of the allegations in this paragraph of the Complaint and on that basis denies them.

3 340. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 341. NEC TOKIN admits that in some circumstances certain capacitors manufactured by
6 some capacitor manufacturers may be substituted for certain capacitors manufactured by a different
7 manufacturer, but otherwise lacks knowledge or information sufficient to form a belief about the truth
8 of the allegations in this paragraph of the Complaint and on that basis denies them.

9 342. This paragraph of the Complaint contains characterizations, legal argument, and
10 conclusions to which no response is necessary. To the extent that a response is required, NEC
11 TOKIN admits that in some circumstances certain capacitors manufactured by some capacitor
12 manufacturers may be substituted for certain capacitors manufactured by a different manufacturer,
13 but otherwise lacks knowledge or information sufficient to form a belief about the truth of the
14 allegations in this paragraph of the Complaint and on that basis denies them.

15 343. This paragraph of the Complaint contains characterizations, legal argument, and
16 conclusions to which no response is necessary. To the extent that a response is required, NEC
17 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
18 in this paragraph of the Complaint and on that basis denies them.

19 344. This paragraph of the Complaint contains characterizations, legal argument, and
20 conclusions to which no response is necessary. To the extent that a response is required, NEC
21 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
22 in this paragraph of the Complaint and on that basis denies them.

23 345. NEC TOKIN admits that capacitors are often a comparatively inexpensive cost input
24 in electrical devices, and admits that some capacitors are used in the production of high-cost
25 electronic products, some of which are sold in the United States, but otherwise lacks knowledge or
26 information sufficient to form a belief about the truth of the allegations in this paragraph of the
27 Complaint and on that basis denies them.

1 346. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 347. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
6 in this paragraph of the Complaint and on that basis denies them.

7 348. This paragraph of the Complaint contains characterizations, legal argument, and
8 conclusions to which no response is necessary. To the extent that a response is required, NEC
9 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
10 in this paragraph of the Complaint and on that basis denies them.

11 349. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 350. This paragraph of the Complaint contains characterizations, legal argument, and
14 conclusions to which no response is necessary. To the extent that a response is required, NEC
15 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
16 in this paragraph of the Complaint and on that basis denies them.

17 351. This paragraph of the Complaint contains characterizations, legal argument, and
18 conclusions to which no response is necessary. To the extent that a response is required, NEC
19 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
20 in this paragraph of the Complaint and on that basis denies them.

21 352. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
22 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 353. To the extent that this paragraph of the Complaint is referencing documents, those
24 documents state whatever they state. NEC TOKIN lacks knowledge or information sufficient to form
25 a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies
26 them.

27 354. This paragraph of the Complaint contains characterizations, legal argument, and
28 conclusions to which no response is necessary. To the extent that a response is required, NEC

1 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
2 in this paragraph of the Complaint and on that basis denies them.

3 355. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
6 in this paragraph of the Complaint and on that basis denies them.

7 356. This paragraph of the Complaint contains characterizations, legal argument, and
8 conclusions to which no response is necessary. To the extent that a response is required, NEC
9 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
10 in this paragraph of the Complaint and on that basis denies them.

11 357. This paragraph of the Complaint contains characterizations, legal argument, and
12 conclusions to which no response is necessary. To the extent that a response is required, NEC
13 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
14 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
15 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
16 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
17 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
18 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

19 358. This paragraph of the Complaint contains characterizations, legal argument, and
20 conclusions to which no response is necessary. To the extent that a response is required, NEC
21 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
22 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
23 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
24 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
25 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
26 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

27 359. This paragraph of the Complaint contains characterizations, legal argument, and
28 conclusions to which no response is necessary. To the extent that a response is required, NEC

1 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
2 in this paragraph of the Complaint and on that basis denies them.

3 360. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
6 in this paragraph of the Complaint and on that basis denies them.

7 361. This paragraph of the Complaint contains characterizations, legal argument, and
8 conclusions to which no response is necessary. To the extent that a response is required, NEC
9 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
10 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
11 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
12 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
13 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
14 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

15 362. This paragraph of the Complaint contains characterizations, legal argument, and
16 conclusions to which no response is necessary. To the extent that a response is required, NEC
17 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
18 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
19 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
20 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
21 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
22 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

23 363. This paragraph of the Complaint contains characterizations, legal argument, and
24 conclusions to which no response is necessary. To the extent that a response is required, NEC
25 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
26 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
27 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
28 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC

1 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
2 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

3 364. NEC TOKIN admits that it is a member of the Japan Electronics and Information
4 Technology Industries Association (JEITA). NEC TOKIN lacks knowledge or information sufficient
5 to form a belief about the truth of the remaining allegations in this paragraph of the Complaint and on
6 that basis denies them.

7 365. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 366. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
10 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 367. This paragraph of the Complaint contains characterizations, legal argument, and
12 conclusions to which no response is necessary. To the extent that a response is required, NEC
13 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
14 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
15 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
16 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
17 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
18 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

19 368. This paragraph of the Complaint contains characterizations, legal argument, and
20 conclusions to which no response is necessary. To the extent that a response is required, NEC
21 TOKIN admits that NEC TOKIN Corporation is incorporated in Japan, and that NEC TOKIN
22 America, Inc. is a wholly owned subsidiary of NEC TOKIN Corporation. NEC TOKIN lacks
23 knowledge or information sufficient to form a belief about the truth of the remaining allegations in
24 this paragraph of the Complaint and on that basis denies them.

25 369. NEC TOKIN admits that industry analysts have provided some information regarding
26 capacitors. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of
27 the remaining allegations in this paragraph of the Complaint and on that basis denies them.

1 370. This paragraph of the Complaint contains characterizations, legal argument, and
2 conclusions to which no response is necessary. To the extent that a response is required, NEC
3 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
4 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
5 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
6 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
7 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
8 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

9 371. This paragraph of the Complaint contains characterizations, legal argument, and
10 conclusions to which no response is necessary. To the extent that a response is required, NEC
11 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
12 in this paragraph of the Complaint relating to defendants other than NEC TOKIN and NEC TOKIN
13 America, Inc. and on that basis denies them. To the extent the allegations in this paragraph of the
14 Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC TOKIN denies that NEC
15 TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as defined and described in the
16 Complaint. NEC TOKIN denies the remaining allegations in this paragraph of the Complaint.

17 372. NEC TOKIN admits that the United States (through the Antitrust Division of the
18 United States Department of Justice) has intervened in this case, and has made statements that speak
19 for themselves regarding its investigations in the United States concerning the capacitors industry.
20 NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the
21 remaining allegations in this paragraph of the Complaint and on that basis denies them.

22 373. NEC TOKIN admits that the National Development and Reform Commission of the
23 People's Republic of China is conducting an investigation concerning capacitors. To the extent that
24 this paragraph of the Complaint is referencing documents, those documents state whatever they state.
25 NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the
26 remaining allegations in this paragraph of the Complaint and on that basis denies them.

27 374. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
28 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 375. This paragraph of the Complaint contains characterizations, legal argument, and
2 conclusions to which no response is necessary. To the extent that this paragraph of the Complaint is
3 referencing documents, those documents state whatever they state. To the extent that a response is
4 required, NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of
5 the allegations in this paragraph of the Complaint and on that basis denies them.

6 376. This paragraph of the Complaint contains characterizations, legal argument, and
7 conclusions to which no response is necessary. To the extent that a response is required, NEC
8 TOKIN lacks knowledge or information sufficient to form a belief about the truth of the allegations
9 in this paragraph of the Complaint and on that basis denies them.

10 377. NEC TOKIN admits that the National Development and Reform Commission of the
11 People's Republic of China is conducting an investigation concerning capacitors. To the extent that
12 this paragraph of the Complaint is referencing documents, those documents state whatever they state.
13 NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the
14 remaining allegations in this paragraph of the Complaint and on that basis denies them.

15 378. NEC TOKIN admits that countries other than the United States and the People's
16 Republic of China are investigating possible price fixing in the capacitors industry. NEC TOKIN
17 lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations
18 in this paragraph of the Complaint and on that basis denies them.

19 379. NEC TOKIN admits that the Japan Fair Trade Commission is conducting an
20 investigation concerning capacitors and searched certain of NEC TOKIN's facilities. To the extent
21 that this paragraph of the Complaint is referencing documents, those documents state whatever they
22 state. NEC TOKIN lacks knowledge or information sufficient to form a belief about the truth of the
23 allegations in this paragraph of the Complaint and on that basis denies them.

24 380. NEC TOKIN admits that the Korea Fair Trade Commission, the Taiwan Fair Trade
25 Commission, the Administrative Council for Economic Defense, and the European Commission are
26 conducting investigations concerning capacitors. NEC TOKIN lacks knowledge or information
27 sufficient to form a belief about the truth of the remaining allegations in this paragraph of the
28 Complaint and on that basis denies them.

1 381. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
2 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 382. NEC TOKIN admits the allegations in this paragraph of the Complaint.

4 383. NEC TOKIN admits the allegations in this paragraph of the Complaint.

5 384. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 385. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
9 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
10 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
11 TOKIN denies them.

12 386. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
13 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 387. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
15 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 388. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

18 389. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

20 390. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
21 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 391. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 392. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
25 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
26 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
27 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
28 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as

1 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
2 paragraph of the Complaint.

3 393. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
4 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
5 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
6 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
7 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
8 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
9 paragraph of the Complaint.

10 394. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
11 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

12 395. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
13 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 396. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
15 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 397. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
17 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

18 398. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
19 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
20 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
21 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
22 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
23 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
24 paragraph of the Complaint.

25 399. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
26 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
27 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
28 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC

1 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
2 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
3 paragraph of the Complaint.

4 400. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
5 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
6 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
7 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
8 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
9 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
10 paragraph of the Complaint.

11 401. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
12 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 402. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
14 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 403. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
16 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
17 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
18 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
19 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
20 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
21 paragraph of the Complaint.

22 404. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
23 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 405. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
25 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

26 406. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
27 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
28 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations

1 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
2 TOKIN denies that NEC TOKIN or NEC TOKIN America, Inc. participated in a conspiracy as
3 defined and described in the Complaint. NEC TOKIN denies the remaining allegations in this
4 paragraph of the Complaint.

5 407. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
6 truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 408. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
8 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
9 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
10 in this paragraph of the Complaint relate to NEC TOKIN and NEC TOKIN America, Inc., NEC
11 TOKIN admits that after floods destroyed the manufacturing plant of its Thai subsidiary in 2011,
12 NEC TOKIN attributed production delays to the destruction of that manufacturing plant, but
13 otherwise denies the allegations in this paragraph of the Complaint.

14 409. NEC TOKIN lacks knowledge or information sufficient to form a belief about the
15 truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC
16 TOKIN and NEC TOKIN America, Inc. and on that basis denies them. To the extent the allegations
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19 410. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN lacks knowledge or information
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15 to person and entities other than NEC TOKIN and NEC TOKIN America, Inc. and on that basis
16 denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN
17 and NEC TOKIN America, Inc., NEC TOKIN denies that NEC TOKIN or NEC TOKIN America,
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XIII. DEMAND FOR JUDGMENT

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I. This paragraph of the Complaint states legal conclusions by Flextronics. Flextronics has not brought a claim against NEC TOKIN, and therefore no response is necessary.

AFFIRMATIVE AND OTHER DEFENSES

As stated in its Answer above, NEC TOKIN does not admit any liability, or that Plaintiffs or any members of the alleged class have been injured or damaged in any way, or that Plaintiffs or any members of the alleged class are entitled to any relief whatsoever. Nevertheless, NEC TOKIN pleads in the alternative the following affirmative defenses. NEC TOKIN does not assume the burden of proof for any issue as to which applicable law places the burden upon Plaintiffs and members of the alleged class. As affirmative and other defenses to the averments contained in the Complaint, NEC TOKIN states as follows:

1 1. The Complaint fails, in whole or in part, to state a claim upon which relief can be
2 granted.

3 2. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
4 whole or in part, by the applicable statutes of limitations. 15 U.S.C. § 15b. Plaintiffs filed this action
5 on July 18, 2014. If and to the extent there was a violation of Section 1 of the Sherman Act prior to
6 July 18, 2010, which NEC TOKIN denies, Plaintiffs and the members of the alleged class failed to
7 bring this action within four years after the cause of action accrued.

8 3. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
9 whole or in part, because the Complaint fails to plead conspiracy or fraud with the particularity
10 required under applicable law.

11 4. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
12 whole or in part, because the Complaint fails to plead fraudulent concealment with the particularity
13 required by Rule 9(b) of the Federal Rules of Civil Procedure or under other applicable law.

14 5. Plaintiffs and the members of the alleged class lack standing (whether constitutional or
15 required by statute) to bring this action.

16 6. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
17 whole or in part, because Plaintiffs and the members of the alleged class have suffered no antitrust
18 injury.

19 7. Plaintiffs' claims and the claims of the members of the alleged class may not properly
20 be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure.

21 8. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
22 whole or in part, because the named Plaintiffs are not proper class representatives.

23 9. Plaintiffs' claims and the claims of the members of the alleged class are improperly
24 joined within the meaning of the Federal Rule of Civil Procedure 20 or 23 because they did not arise
25 out of the same transaction, occurrence, or series of transactions or occurrences, and/or do not
26 involve questions of law or fact common to all defendants.

27 10. To the extent the Complaint seeks relief with respect to purchases of capacitors
28 outside of the United States, Plaintiffs' claims and the claims of the members of the alleged class are

1 barred, in whole or in part, by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a. Such
2 purchases do not constitute import trade or commerce; nor do such purchases have a direct,
3 substantial, and reasonably foreseeable effect on trade or commerce that is not trade or commerce
4 with foreign nations or on import trade or commerce; nor do they give rise to a claim under the
5 Sherman Act.

6 11. Plaintiffs attempt to allege a conspiracy spanning eleven or more years that they claim
7 resulted in their paying higher prices for the products in issue. Plaintiffs allege no facts that explain
8 or justify their delay in bringing this lawsuit. To the extent Plaintiffs and the members of the alleged
9 class could have brought essentially the same suit years earlier, Plaintiffs' claims and the claims of
10 the members of the alleged class are barred, in whole or in part, by estoppel and laches.

11 12. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
12 whole or in part, to the extent Plaintiffs or members of the alleged class would be unjustly enriched if
13 they were allowed to recover any part of the alleged damages.

14 13. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
15 whole or in part, because the alleged damages, if any, are too remote or speculative to allow recovery,
16 and because of the impossibility of ascertaining and allocating those alleged damages with reasonable
17 certainty.

18 14. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
19 extent any recovery by Plaintiffs or members of the alleged class would be duplicative of recovery by
20 other plaintiffs and other lawsuits, subjecting NEC TOKIN to the possibility of multiple recovery;
21 such recovery is barred by the Fifth and Eighth Amendments to the United States Constitution.

22 15. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
23 extent their alleged damages were caused solely or proximately by market conditions or the acts and
24 omissions of others and were not the result of any act or omission attributable to the defendants.

25 16. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
26 extent Plaintiffs or members of the alleged class failed to take all necessary, reasonable, and
27 appropriate actions to mitigate their alleged damages, if any. Alternatively, any damages sustained
28 by Plaintiffs and members of the alleged class, which NEC TOKIN denies, must be reduced by the

1 amount that such damages would have been reduced had Plaintiffs and the members of the alleged
2 class exercised reasonable diligence in mitigating their damages.

3 17. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
4 whole or in part, by the voluntary payment doctrine, under which one cannot recover payments with
5 full knowledge of the facts.

6 18. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
7 extent the actions or practices of NEC TOKIN that are subject of the Complaint were undertaken
8 unilaterally for legitimate business reasons and in pursuit of NEC TOKIN's independent interests and
9 those of its customers, and were not the product of any contract, combination or conspiracy between
10 NEC TOKIN and any other person or entity.

11 19. Plaintiffs' claims and the claims of the members of the alleged class against NEC
12 TOKIN are barred to the extent Plaintiffs and the members of the alleged class have agreed to
13 arbitration, agreed to a different forum for the resolution of their claims, or waived a jury trial. This
14 Court lacks jurisdiction to adjudicate any claim covered by any such agreement.

15 20. Without admitting the existence of the conspiracy as alleged in the Complaint, NEC
16 TOKIN is entitled to set off against any award of damages any amounts paid to Plaintiffs or the
17 members of the alleged class by any person or entity other than NEC TOKIN who has settled, or does
18 settle, Plaintiffs' claims or the claims of the members of the alleged class.

19 21. Plaintiffs' claims and the claims of the members of the alleged class for injunctive
20 relief are barred to the extent Plaintiffs or the members of the alleged class have available an
21 adequate remedy at law and there is no threat of present, future, or continuing harm, and to the extent
22 injunctive relief otherwise is inequitable.

23 22. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
24 extent that Plaintiffs and the members of the alleged class did not purchase capacitors directly from
25 Defendants, because they are indirect purchasers and barred from maintaining an action under 15
26 U.S.C. § 1 for alleged injuries in that capacity.

27 23. NEC TOKIN adopts by reference any defense pleaded by any other defendant not
28 otherwise expressly set forth herein.

24. NEC TOKIN hereby gives notice that it intends to rely upon such other and further defenses as may become available or apparent during pre-trial proceedings in this case, and hereby reserves its rights to amend this Answer and assert such defenses.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), NEC TOKIN demands a trial by jury of all the claims asserted in the Complaint and in NEC TOKIN's affirmative defenses that are triable by jury.

DEMAND FOR JUDGMENT

WHEREFORE, NEC TOKIN respectfully requests that the Court enter judgment for it by adjudicating and decreeing:

- (a) That Plaintiffs' Complaint as to NEC TOKIN be dismissed with prejudice;
 - (b) That judgment be entered in favor of NEC TOKIN;
 - (c) That this action may not proceed as a class action under Federal Rule of Civil Procedure 23;

(d) That Plaintiffs and the members of the alleged class are not entitled to equitable relief;

(e) That NEC TOKIN be awarded the costs, expenses, and disbursements incurred by it in defending this action;

(f) That NEC TOKIN be awarded prejudgment interest, as appropriate; and

(g) For such other relief that the Court deems just and proper.

1 Date: August 6, 2015

GIBSON, DUNN & CRUTCHER LLP

2 */s/ George A. Nicoud III*
3 GEORGE A. NICOUD III, SBN 106111

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13 *Attorneys for Defendants NEC TOKIN Corporation and*
NEC TOKIN America, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2015, I caused to be electronically filed the following ANSWER AND AFFIRMATIVE DEFENSES OF NEC TOKIN CORPORATION TO SECOND AMENDED CONSOLIDATED COMPLAINT with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing systems.

By: /s/ Matthew Parrott

Matthew Parrott